

EFFECTIVE

December 1, 2010.

Subjects

1. Inter-county complaints.
2. Special investigative situations:
 - Intake.
 - Investigation.
 - Disposition.
3. Complaints involving child care organizations and institutional settings.
4. New complaints involving a foster child or foster parent.

**1) INTER-COUNTY
COMPLAINTS****PSM 712-6**

Complaints involving children in court ordered out-of-home placements will be investigated by the CPS-Maltreatment In Care (MIC) units. When a CPS-MIC complaint involves multiple counties, assign the complaint to the county in which the child caring institution or foster family home is located.

In all cases involving multiple counties, requests for courtesy interviews, case records and assistance must be honored. See PSM 713-1, CPS Investigation, Cases Involving Multiple Counties section, for how to document and process requests for courtesy interviews and other activities.

Disputes between counties must be immediately referred for resolution to:

- Urban Field Operations for Genesee, Ingham, Kent, Macomb, Oakland and Wayne counties.
- Outstate operations for all other counties.

Exception 1 will be removed from policy and Exception 2 will be renumbered.

Reason: Dwayne B. v Granholm, et al. consent decree.

**2) SPECIAL
INVESTIGATIVE
SITUATIONS**

CPS-MIC units are now responsible for investigating child abuse/neglect complaints within all child caring institutions and foster family homes. PSM 716-6 is obsolete.

PSM 712-6**RESPONSIBILITY TO
INVESTIGATE**

The Bureau of Children and Adult Licensing (BCAL) are no longer responsible for the investigation of abuse/neglect of children in the following regulated child care organizations:

- Detention centers.
- Youth homes.
- Shelter homes.
- Residential care facilities.
- Halfway houses.

These investigations are now the responsibility of the CPS-MIC units.

**DHS-BCAL
Responsibilities**

BCAL is responsible for investigating allegations of child abuse and neglect of children who are not the child of the licensee, occurring in the following regulated child care organizations:

- Licensed child care centers.
- Regulated (licensed or registered) child care group and family homes.
- Children's camps.

CPS intake must reject these complaints and refer them to BCAL within 24 hours of receipt of the complaint.

**Prosecuting
Attorney/Law
Enforcement
Responsibility**

Prosecuting attorney/law enforcement agencies are responsible for the investigation of child abuse and neglect in unregulated institutional settings such as:

- Schools (both public and private), including boarding schools.
- Incidental out-of-home or in-home child care (baby sitting).
- Mental health facilities not subject to PA 116.
- Unregulated (unlicensed or unregistered) child care group and family homes.

CPS intake must reject these complaints and refer to the prosecuting attorney/law enforcement agency within 24 hours of receipt of the complaint.

This policy requirement has not been changed.

Exhibit 1 - Intake

The Intake Decision Table for Investigation of Child Abuse and Neglect in Child Care Organizations/Relative Care specifies the responsibilities of CPS and the CPS-MIC Units for investigation of child abuse and neglect complaints received by DHS.

INTAKE DECISION TABLE FOR INVESTIGATION OF CA/N IN CHILD CARE ORGANIZATIONS/RELATIVE CARE		
Facility/Placement Type	Responsible Unit - Department	
	CPS	CPS-MIC
Child caring institution (detention centers; youth homes; shelter homes; residential care facilities, both long and short-term; halfway homes).		
-Allegations against an employee of a CCI for CA/N of a child residing in a CCI.		X
-Allegations against a parent for CA/N (for example, during a weekend visit) while the alleged child victim is placed in the CCI.		X
-Allegations against an employee of a CCI for CA/N made after the child has been returned to a parent's care.		X

- Allegations against a licensed/registered provider or an employee of a child care organization of abuse/neglect of their own children.	X	
Child foster care-family, unlicensed and relative foster care providers and group homes (DHS, court, private agency, mental health, etc.).	CPS	CPS-MIC
-Allegations against a foster parent for CA/N while the alleged child victim resides in the foster home.		X
- Allegations against a foster parent for CA/N when both biological children and foster children reside in the home.		X
-Allegations against a parent for CA/N (for example during a weekend visit) while the alleged child victim is placed in foster care.		X
-Allegations against a foster parent for CA/N after the alleged child victim has been returned to a parent's care.		X
- Allegations against a foster parent for CA/N of biological children when foster children do not reside in the home.	X	
-Allegations against a parent for CA/N of an alleged child victim prior to going into out-of-home care (but currently in out-of-home placement).	X	
Parents caring for children under court jurisdiction (in-home CPS and under DHS supervision following return home from foster care).	CPS	CPS-MIC
-Allegations against parents for CA/N of children currently in their care.	X	
-Allegations against parents for CA/N of a newborn child in the parent's care (not under the court's jurisdiction).	X	

**POSSIBLE
LICENSING/
REGISTRATION
RULE VIOLATION**

When child abuse and neglect is alleged to have taken place in a licensed CCI, licensed or registered organization or home, or by a licensed or registered provider, BCAL must be notified as soon as possible and no later than 24 hours from the receipt of the complaint. If assigned for CPS investigation, CPS-MIC and the licensing consultant **must coordinate** their investigations or document why not.

Contact the BCAL complaint line at (866) 856-0126 to report the alleged licensing/registration rule violations.

If the CPS complaint is rejected, a copy of the complaint must be forwarded to the responsible licensing unit within 24 hours of receipt of the complaint.

Responsible licensing units may be within the local DHS office, court, private child placing agency or community mental health agency and is the unit responsible for licensing and supervision of the foster home.

BCAL is the responsible licensing unit for complaints involving the following child care organizations and should receive the complaint via FAX at (517) 335-6121.

- Licensed child care centers.
- Regulated (licensed or registered) child care group and family homes.
- Children's camps.
- All child caring institutions (including detention centers, youth homes, shelter homes, residential care facilities (both long and short term) and halfway homes).

See PSM 716-9, New Complaint When Child Is In Foster Care, for more information on handling complaints on licensed foster parents.

**BCAL Reporting
Responsibilities**

If at any time BCAL suspects child abuse and neglect regarding children residing in an alleged perpetrator's home, BCAL must make an immediate complaint to CPS.

Note: The responsibilities for BCAL and CPS during these investigations have been modified.

**CPS
Responsibilities**

When CPS intake receives a complaint regarding **an alleged perpetrator who is a licensed foster parent or employed by a CCI** who has biological/adoptive children or other children residing in their home and the allegations cause concern for the children in that person's home, take the following actions:

- The complaint must be reviewed by a CPS-MIC supervisor.
- The CPS-MIC supervisor will make a determination whether an additional complaint for the alleged perpetrator's children is required.
- Evaluate the complaint in the same manner as any other complaint to determine whether to accept, reject, withdraw or transfer the complaint.
- If a complaint is made by the CPS-MIC supervisor, the complaint will be forwarded to the appropriate county and a local office supervisor will make a decision whether the complaint should be assigned for investigation.
- Document the current concerns which would include allegations of threatened harm in the CPS-MIC investigation which could effect the perpetrator's children based on the allegations and/or findings of the CPS-MIC investigation.

Note: The CPS-MIC supervisor and the local office CPS supervisor must coordinate these complaint investigations.

The policy regarding intake procedures of child abuse and neglect in child caring institutions and foster family homes appears in this

bulletin and will be added to PSM 712-6 at the next regular policy release.

Reason: Dwayne B. v Granholm, et al. consent decree.

INVESTIGATION

PSM 713-8

Policy is revised to require staff in the DHS CPS-MIC units to investigate all assigned complaints of child abuse and neglect occurring in a child caring institution or licensed/unlicensed foster care family home.

Risk and safety assessments and family and child assessments of needs and strengths are still required for all licensed/unlicensed foster home investigations. Risk and safety assessments and family and child assessments of needs and strengths are not required for child caring institution investigations.

Policy includes a requirement for the assigned CPS-MIC worker to have contact with the child caring institution administrator or licensee designee prior to contact with the alleged child victim and prior to completion of the complaint.

Under the Child Protection Law, MCL 722.628(8), DHS has the responsibility for notifying parents or guardians of **any** children interviewed at school or other institution. This notification must occur in all CPS-MIC investigations, except where parental rights have been terminated.

The policy regarding complaint disposition of child abuse and neglect in child caring institutions and foster family homes appears in this bulletin and will be added to PSM 713-9 at the next regular policy release.

Reason: Dwayne B. v Granholm, et al. consent decree.

DISPOSITION

PSM 713-9

Completion of a Complaint investigation

A preponderance of evidence finding, regardless of risk level, on a licensed/registered provider or employee of a child caring institution

or licensed foster family home, of abuse/neglect against any child(ren), including children in their own home, requires their name to be placed on central registry. For all complaints when a preponderance of evidence finding exists, the CPS-MIC worker must override a low or moderate risk to a high risk level.

The results of a CPS investigation on a licensed/registered provider or an employee of a child caring institution or licensed foster family home of abuse/neglect of their own children **cannot** be shared with their employer.

If a preponderance of evidence finding of abuse/neglect is found to exist in a child caring institution, CPS-MIC must forward (by fax or e-mail) a copy of the Investigation Report (DHS-154) to BCAL within five business days of completion.

BCAL Investigations

When BCAL completes its investigation, CPS must request and obtain a copy of the BCAL report. This information **must** be maintained within the client's file.

Reason: Dwayne B. v Granholm, et al. consent decree.

3) COMPLAINTS INVOLVING CHILD CARE ORGANIZATIONS AND INSTITUTIONAL SETTINGS

PSM 716-6

Policy in PSM 716-6 has been revised in this bulletin and will be added to PSM 713-8 at the next policy release. PSM 716-6 is obsolete.

Reason: Dwayne B. v Granholm, et al. consent decree.

**4) NEW
COMPLAINTS
INVOLVING A
FOSTER CHILD OR
FOSTER PARENT****PSM 716-9**

Complaints of child abuse and neglect occurring in a licensed foster care home or the home of an unlicensed/unrelated or related caregiver must be investigated by CPS-MIC units. This includes complaints both while the child is placed in the home or after the child has moved from the home.

Reason: Dwayne B. v Granholm, et al. consent decree.

**MANUAL
MAINTENANCE
INSTRUCTIONS**